

REMARKS

The Official Action dated December 21, 2010 has been carefully considered.

Accordingly, the present Amendment is believed sufficient to place this application in condition for allowance. Reconsideration is respectfully requested.

By the present amendment, claims 2, 4-14, 18, 20-23 and 26-32 are cancelled and claims 33-50 are added. Claims 33 and 49 contain limitations from previous claims 2, 8 and 26. Claim 33 further recites the assembly is free of additional energy-raising and/or combustion-improving and/or smoke-forming substances, as the specification discloses such components are optional, thereby describing embodiments containing such components and embodiments omitting such components. Claim 49 recites the thin paper strip and the thin plastic strip are partly united to each other at opposite surfaces to form sealed pockets containing an energy-raising and/or combustion-improving substance, support for which may be found in previous claims 6 and 7 and the specification at paragraphs [0104], [0105] and [0130], and, similar to claim 33, the assembly is free of additional energy-raising and/or combustion-improving and/or smoke-forming substances. Support for claims 34-42 and 44-47 may be found in previous claims 4, 9, 12, 18, 20-23 and 26-31, respectively. Support for claim 43 may be found in paragraph [0149] of the specification, while support for claim 50 may be found in paragraphs [0104], [0105] and [0130] of the specification. Accordingly, it is believed that these changes do not involve any introduction of new matter, and therefore entry is in order and is respectfully requested.

In the Official Action, claims 2, 4, 5, 8-14, 20-23 and 26-32 were rejected under 35 U.S.C. § 103(a) as unpatentable over the Sullivan U.S. Patent No. 6,136,053 in view of the May U.S. Patent No. 4,751,122. Although the Examiner acknowledged that Sullivan does not teach a

paper strip, the Examiner asserted that it would be obvious to use paper to substitute for the cloth of Sullivan. The Examiner noted that May teaches a paper substrate with a release coating on one side and a waterproofing pressure sensitive adhesive membrane on the other side and a layer of polyethylene applied below the release coating. The Examiner asserted it would be obvious to add the layer of polyethylene of May onto the strip of Sullivan by attaching the adhesive membrane. The Examiner asserted that various additional features of the claims, although not disclosed, would be obvious.

Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as unpatentable over Sullivan in view of May and further in view of the Kaplan U.S. Patent No. 2,707,581. The Examiner relied on Kaplan as disclosing a container formed of two sheets of plastic material with the edges sealed. The Examiner asserted that it would be obvious to seal the edges of the layers in the modified Sullivan formation as taught by Kaplan.

These rejections are traversed and reconsideration is respectfully requested. More particularly, as defined by independent claim 33, the present invention is directed to an inflammable, single-service lighting strip assembly comprising a wound roll of two thin, elongated and coordinated strips, wherein one of the two strips comprises a thin paper strip and the other of the two strips comprises a thin polyethylene plastic strip. The thin paper strip and the thin plastic strip are partly united to each other at opposite surfaces and are sufficiently tightly wound that the assembly is adapted to resist lighting by an outside fire. The coordinated strips are adapted to unwind to a non-compacted state adapted for lighting and are operable in their non-compacted state to partially realign elastically to form a ball structure. Upon lighting of the strips in the non-compacted state, the paper layer is operable to provide an initial combustion and

the plastic layer is operable to provide a subsequent high energy secondary combustion for lighting an adjoining inflammable material, wherein the assembly is free of additional energy-raising and/or combustion-improving and/or smoke-forming substances.

As defined by independent claim 49, the invention is directed to an inflammable, single-service lighting strip assembly comprising a wound roll of two thin, elongated and coordinated strips, wherein one of the two strips comprises a thin paper strip and the other of the two strips comprises a thin polyethylene plastic strip. The thin paper strip and the thin plastic strip are partly united to each other at opposite surfaces to form sealed pockets containing an energy-raising and/or combustion-improving substance. The strips are sufficiently tightly wound that the assembly is adapted to resist lighting by an outside fire and are adapted to unwind to a non-compacted state adapted for lighting. The strips are operable in their non-compacted state to partially realign elastically to form a ball structure. Upon lighting of the strips in the non-compacted state, the paper layer is operable to provide an initial combustion and the plastic layer and energy-raising and/or combustion-improving substance are operable to provide a subsequent high energy secondary combustion for lighting an adjoining inflammable material, wherein the assembly is free of additional energy-raising and/or combustion-improving and/or smoke-forming substances.

Importantly, according to claim 33, the paper layer is operable to provide an initial combustion and the plastic layer is operable to provide a subsequent high energy secondary combustion for lighting an adjoining inflammable material, wherein the assembly is free of additional energy-raising and/or combustion-improving and/or smoke-forming substances, while according to claim 49, the paper layer is operable to provide an initial combustion and the plastic

layer and pockets of energy-raising and/or combustion-improving substance are operable to provide a subsequent high energy secondary combustion for lighting an adjoining inflammable material, wherein the assembly is free of additional energy-raising and/or combustion-improving and/or smoke-forming substances. Sullivan in view of May, even in further combination with Kaplan, do not render such assemblies obvious to one of ordinary skill in the art.

That is, Sullivan discloses a strip of cloth soaked in a liquid fuel. In contrast, the assemblies of claims 33 and 49 are explicitly free of a liquid-fuel soaked layer since, as noted, the assembly of claim 33 is free of additional energy-raising and/or combustion-improving and/or smoke-forming substances other than the paper layer and the plastic layer, as the paper layer provides an initial combustion and the plastic layer provides a subsequent high energy secondary combustion for lighting an adjoining inflammable material. Similarly, the assembly of claim 49 is free of additional energy-raising and/or combustion-improving and/or smoke-forming substances other than the paper layer, the plastic layer and the pockets of energy-raising and/or combustion-improving substance, as the paper layer provides an initial combustion and the plastic layer and energy-raising and/or combustion-improving substance provide a subsequent high energy secondary combustion for lighting an adjoining inflammable material. Sullivan provides no teaching or suggestion of such components and, instead, requires a fuel-soaked cloth.

The Examiner has asserted that it would be obvious to substitute the cloth of Sullivan with paper. However, Sullivan employs woven cloth (column 3, line 1) which is sufficiently absorbent to hold the fuel such as liquid paraffin in sufficient quantity until the paraffin hardens (column 4, lines 24-28). There is no evidence of record showing that one of ordinary skill in the art would have found thin paper as employed in the presently claimed assemblies to be

sufficiently absorbent to meet the requirements of Sullivan. To the contrary, as paper is not woven, one of ordinary skill in the art would not have had any reason to substitute paper for the woven absorbent cloth of Sullivan.

Moreover, the assemblies of claims 33 and 48 are single-service lighting strip assemblies comprising a wound roll of two thin, elongated and coordinated strips. The roll of Sullivan is not a single-service lighting strip material assembly as recited in claims 33 and 48, but, instead, Sullivan's roll is formed of a plurality of single service devices. Additionally, the single service material of Sullivan is not in the form of an elongated strip. Further, although the Examiner asserts that the roll of Sullivan is tightly wound to resist lighting by an outside fire, there is no evidence of record supporting this assertion.

The deficiencies of Sullivan are not resolved by May. While May discloses a water proof membrane, May is directed to construction materials and there is no apparent reason, absent the present disclosure, for one of ordinary skill in the art to combine any of the layers of May with the fire starting material of Sullivan. The Examiner assert that the motivation to include the polyethylene of May on the strip of Sullivan is that the polyethylene of May is waterproof. However, Sullivan notes that once the wax fuel has fully cooled and hardened, the product is completely waterproof (column 3, lines 50-52). Accordingly, one skilled in the art would have had no motivation to employ any waterproof layer of May in the waterproof Sullivan device.

Finally, Kaplan discloses a liquid dispensing container for sauce or syrup. Not only does Kaplan fail to provide any teaching or suggestion of materials which are desirably inflammable, preventing proper combination with Sullivan, Kaplan fails to disclose an assembly which is in a wound roll and yet is adapted to unwind to a non-compacted state adapted for lighting as

presently claimed. Kaplan provides no apparent reason for one of ordinary skill in the art to combine its teachings with the fuel soaked cloth of Sullivan.

In determining patentability under 35 U.S.C. §103, it is necessary to determine whether there was an apparent reason to combine known elements in the fashion of the claims at issue, *KSR International Co. v. Teleflex, Inc.*, 550 US 398, 418 (2007). The evidence of record provides no apparent reason to combine the various teachings of May and Kaplan with the fuel-soaked cloth of Sullivan to arrive at the single-service lighting strip assemblies of claims 33 and 48. Accordingly, Sullivan in view of May, or in further view of Kaplan, do not render the presently claimed single-service lighting strip assemblies obvious, and the rejections under 35 U.S.C. §103 have been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the Official Action and places the present application in condition for allowance. Reconsideration and an early allowance are requested. The Examiner is urged to telephone the undersigned if any issues remain outstanding, in order to expedite any further prosecution.

Please charge any fees required in connection with the present communication, or credit any overpayment, to Deposit Account No. 503915.

Respectfully submitted,

/Holly D. Kozlowski/

Holly D. Kozlowski, Reg. No. 30,468
Porter, Wright, Morris & Arthur LLP
250 East Fifth Street, Suite 2200
Cincinnati, Ohio 45202
(513) 369-4224